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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,177	06/27/2001	Michael S. Ripley	42390P11151	4529

7590   03/07/2007

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER
HO, THOMAS M

ART UNIT	PAPER NUMBER
2132	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2006*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *6-8,19,20,31-33 and 37-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *6-8, 19-20, 31-33, 37-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413)
                                               Paper No(s)/Mail Date. _____.
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application
3)☐ Information Disclosure Statement(s) (PTO/SB/08)   6)☐ Other: _____.
    Paper No(s)/Mail Date _____.

DETAILED ACTION

1   Claims 6-8, 19-20, 31-33, 37-39 are pending.

2.   The response of 12/18/06 has been entered.

Response to Arguments

3.   The Applicant has argued against the Examiner's interpretation of the term "storage

medium." The Applicants contend that storage medium does not mean RAM, but rather refers to

data storage that exists on tapes or disks such as a hard drive or DVD. The Applicant

distinguishes this from "main memory" which refers to RAM or ROM.

The Examiner disagrees with the Applicant's interpretation. Broadly construed, a storage

medium is simply a medium where data may be stored. The term storage medium does not

exclude "RAM or ROM" in its conventional usage. As evidence the Examiner has provided a

cursory set of reference in support of this interpretation.

Applicant's further arguments appear to stem from this premise that a storage medium is not

RAM (main memory) and therefore, Saito does not meet the limitation as claimed. As recite

above, the Examiner disagrees with the Applicant's narrower interpretation and provides the

references below as support. For this reason, Applicant's arguments has been fully considered

but are unpersuasive.

US 5790780 A

Britchta et al.

6)   A failure information memory 18 is also coupled to interface 12. Like
inventory information memory 14, failure information memory 18 can reside in a
suitable storage medium, such as RAM, ROM, disk, tape storage, or other
suitable volatile or non-volatile data storage system. Failure information
memory 18, which may be a relational database, receives and stores failure
information 20.

US 5444780 A
Hartman Jr

(19)   Shown in FIG. 4 is a functional diagram illustrating in detail the
structure and interaction of a server computer system for providing secure time
transmissions to a client computer system in accordance with the present
invention. The server computer system (secure time server) is designated
generally as 120 and is located in a physically secure data center. The system
includes server CPU 112, server TOD clock 126, I/O port 128, public key and
private key storage area 130, and calibration stability history storage area
402. Server CPU 122 itself includes encryption/decryption processor 124,
stability monitoring processor 404, and calibration processor 406 (and may of
course include many additional functional components typically found in CPUs
described in the open literature). TOD clock 126 includes a time clock and a
date calendar, preferably based on a highly accurate time source, which may be
set to Coordinated Universal Time, Greenwich Mean Time, or some local time.
I/O port 128 is connected via electronic communication network to one or more
client computer systems (secure time requestors) and provides the I/O mechanism
for receiving client TOD clock values as well as client calibration and
stability data and for sending new client TOD clock values as well as new
calibration and stability data to secure-time requestors. Key storage area 130
and calibration/stability history storage area 402 may be maintained in any
digital storage medium, such as RAM, disk, tape, etc.

US 5325238 A

Stebbings et al.

(10)   It will be evident from the foregoing description that a basic
requirement of the system of FIG. 1 is a digital storage device which, in the
case of stores 32 and 34 is capable of being read out at high speed, and in the
case of stores 40 and 42 of being both loaded and read out at high speed.
Until relatively recently, available storage devices couldn't handle bit rates
on the order of tens of megabytes per second necessary to fully restore the
analog signal and at the same time achieve a high duplication rate. For

example, at least fifteen to thirty megabytes per second are required for audio
signal replication from sixty-four, to one hundred twenty-eight times real
time. Of the several possibilities available today, the currently preferred
device is a magnetic disk store having a plurality of side-by-side discs
rotating at 3600 rpm, for example, and multiple heads which can simultaneously
read in, or read out information which, in effect, provides a multi-channel
disk store which has a sufficiently high bit rate. Another potentially usable,
but currently more expensive, digital storage medium is RAM or EEPROM devices
which have the required speed capability and which in sufficient numbers can
provide the requisite storage capacity, and can be read out more easily than
mechanical stores. However, because their cost per megabyte of storage
currently is on the order of five to twenty times that of magnetic disk storage
devices, the latter is utilized in the present system.

US 5396505 A

Freeman et al.

(28) The invention has now been described in detail with reference to the
preferred embodiment. Alternatives and substitution will be apparent to
persons of ordinary skill in the art. For example, although the invention has
been defined with reference to a shared bus communication system, it is equally
applicable to digital communication system utilizing other communication
channels such as telephone line, optical fiber, microwave, or radio-frequency
links. Additionally, the checking matrices in the preferred embodiment are
implemented in gate arrays, but any suitable storage medium such as RAM, ROM,
or general purpose registers can be utilized. The intersection of two fields
has been described but error checking based on more than two fields can also be
implemented. Accordingly, it is not intended to limit the invention except as
provided in the claims.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 6-8, 19-20, 31-33, 37-39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Saito, US patent 09/893177 in view of Silberschatz and Galvin, "Operating

System Concepts: Fifth Edition."

In reference to claim 6:

Saito discloses a method comprising:

- Receiving a request to transfer content to a customer (Column 6, lines 38-42)

- Retrieving from a content source encrypted content corresponding to the requested

  content, the encrypted content being encrypted by a title key, where the title key is KS1

  (Column 7, line 65- Column 8, line 5)

- Obtaining a customer identifier ID associated with the customer, where the identifier is

  obtained with the other user information. (Column 6, lines 43-52)

- Binding the requested content to the customer ID by using the customer ID to encrypt the

  title key, where the requested content is bound to the ID by first using the ID to encrypt

  the title key, KS1. (Column 7, line 65- Column 8, line 5)

- Transferring from the content source the encrypted content and the encrypted title key to

  a storage medium, where the encrypted content and the encrypted title key may be

  accessed by the customer, where the encrypted title key is first transferred and accessed

  by the customer to be decrypted. (Column 6, line 61 – Column 7, line 7 et seq.) &

  (Column 7, line 55- Column 8, line 5)

- Storing the encrypted content and the encrypted title key on the storage medium, from which the encrypted content and the encrypted title key may be accessed by the customer. Saito (Column 7, lines 1-12) and (Column 8, lines 1-19) where the encrypted content is the encrypted watermarked data content, and where the encrypted title key is the encrypted secret key. Consequently, both the secret key in encrypted form and the encrypted content is stored within the same storage medium (the main memory) at some point during the execution of the content distribution method.

Saito fails to explicitly state that the encrypted content and the encrypted key is stored in the same storage. It would have been obvious to one of ordinary skill in the art at the time of invention to store the key and content in the memory storage, in order to allow the information to be processed and decrypted because "Main memory is the only large storage area that the processor can access directly." Silberschatz and Galvin page 32, last paragraph.

In reference to claim 7:
Saito (Column 6, lines 53-67) discloses the method of claim 6, wherein said binding the requested content to the customer ID by using the customer ID to encrypt the title key comprises combining the customer ID with a media key provided by the content source, where the user ID is bound to a media key, KB1 which is then used to encrypt the title key, KS1, which is then used to encrypt the title key.

In reference to claim 8:

Saito (Column 6, lines 52-60) discloses the method of claim 7, wherein said combining the

customer ID with a media key comprises using a cryptographic one-way function, where the

customer ID is combined with the media key using the one way hash function, MD5.

In reference to claim 31:

Saito discloses a method comprising:

- Accessing encrypted content (Column 7, line 60-67) that is stored on a storage

  medium(Column 8, lines 23-54) additionally storing a customer ID(Column 6, lines 48-

  50) associated with a customer requesting the content(Column 6, lines 35-50), a Media

  Key block (MKB), the information used to complete Kb1)(Column 6, lines 48-55), and

  the title key, KS1, (Column 6, lines 60-65) that is encrypted (encrypted title key) with a

  customer ID (KS1, Column 6, lines 60-65), where KB1 is the combined version of both

  the customer ID and the public key, KB1. (Column 6, lines 48-55), and where the

  content is encrypted with the title key, KS1 (Column 7, line 65 – Column 8, line 5)

- Processing the MKB to generate a Media key by using Device Keys associated with a

  device for using the content, where the MKB is the set of information used to create the

  Media key, KB1, and where the device keys, KS1 and KS2 associated with the device are

  also used for using the content. (Column 6, lines 53-67)

- Decrypting the encrypted title key to form the title key by reading a customer ID and

  combining the customer ID and the Media Key, where the title key, KS1 is decrypted to

  form the title key, encrypted using the original combined key KB1. (Column 7, lines 4-

  11)

- Using the title key to decrypt the encrypted content, where the title key KS1 is used to

  decrypt the content. (Column 8, lines 13-17)

Claims 32, 38, 41 are rejected for the same reasons as claim 8.

Claims 19 are rejected for the same reasons as claim 6.

Claims 20 are rejected for the same reasons as claim 7.

Claim 37 are rejected for the same reasons as claim 31.

In reference to claims 33 and 39:

Saito discloses fails to explicitly disclose an embodiment wherein the content comprises a music

title.

Saito however does disclose that audio data content used at the content to be distributed was well

known in the art. (Column 1, lines 40-46)

The Examiner takes as admitted prior art that content comprising a music title was well known at

the time of invention. For example, CD tracks have the names of the songs attached to them.

Additionally it is noted that Saito (Column 1, lines 40-46) discloses the content may include

audio and video.

It would have been obvious to one of ordinary skill in the art at the time of invention to have content comprising a music title in order to allow the invention of Saito to be used with distributing musical content to reach out to that section of the market.

Conclusion

6.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of the final action and the advisory action is not mailed under after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension pursuant to 37 CFR 1.136(A) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799.

The Examiner may also be reached through email through Thomas.Ho6@uspto.gov

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is (571)272-2100.
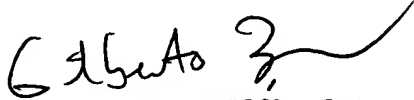
General Information/Receptionist   Telephone: 571-272-2100   Fax: 571-273-8300

Customer Service Representative   Telephone: 571-272-2100   Fax: 571-273-8300

TMH

March 5th, 2007

GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100